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8	UNITED STATES DISTRICT COURT	
9	FOR THE EASTERN DISTRICT OF CALIFORNIA	
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11	CHARLES DEVON GARRETT,	Case No. 1:22-cv-00899-JLT-HBK (HC)
12	Petitioner,	ORDER GRANTING PETITIONER'S MOTION TO PROCEED IN FORMA
13	V.	PAUPERIS ON APPEAL
14	SEAN MOORE,	(Doc. No. 71)
15	Respondent.	
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17	Danding before the Court is Potitioner'	s motion to proceed in forma naunaris on appeal
18	Pending before the Court is Petitioner's motion to proceed <i>in forma pauperis</i> on appeal.	
19	(Doc. No. 71). Petitioner is a state prisoner proceeding with an appeal to the Ninth Circuit Court of Appeals of the denial by the United States District Court of his third amended petition for writ	
20	of habeas corpus under 28 U.S.C. § 2254. (Doc. No. 42, "Petition"). Petitioner paid the \$5.00	
<ul><li>21</li><li>22</li></ul>	filing fee for this action. (Doc. No. 7, Receipt No. CAS139258).	
23	On December 20, 2023, the Court denied the Petition and denied Petitioner a certificate of	
24	appealability. (Doc. No. 65). On January 17, 2024 Petitioner filed a notice of appeal to the Ninth	
25	Circuit Court of Appeals. (Doc. No. 67). On January 23, 2024, the District Court sent Petitioner	
26	an amended bill for the \$605.00 appeal filing fee. (Doc. No. 69). On January 29, 2024, Petitioner	
27	filed an application to proceed <i>in forma pauperis</i> on appeal. Examination of the documents	
28	reveals that Petitioner is unable to afford the costs of the appeal. See Rule 24(a)(1), Federal Rules	

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1	of Appellate Procedure, and 28 U.S.C. § 1915.	
2	Accordingly, it is <b>ORDERED</b> :	
3	Petitioner's motion for leave to proceed in forma pauperis on appeal (Doc. No. 71) is	
4	GRANTED.	
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6	Dated: February 8, 2024 Alla M. Barch - Kuelle	
7	HELENA M. BARCH-KUCHTA	
8	UNITED STATES MAGISTRATE JUDGE	
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